IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 212 of 2006 (S/B)

Committtee of Management,
Dudharkhal Intermediate College,
P.O. Dudharkhal, District Pauri Garhwal,
Through its Manager Arun Kumar Kanthwal,
R/o Village Babina, P.O.Dudharkhal,
District Pauri Garhwal. ……. Petitioner

Versus

1. State of Uttarakhand,
   through its Education Secretary,
   Dehradun.
2. Joint Director, Garhwal Region, Pauri.
3. District Education Officer, Pauri.
4. R.K. Pandey, Principal,
   DBS College, Dehradun.
5. C.S. Joshi, Head of Geography,
   DBS College Dehradun.
6. Dr. S.R. Gupta Head of Department,
   Economics,MPH College,
   Mussoorie ……. Respondents

Mr. B.D. Upadhyaya, Advocate for the petitioner.
Mr. J.P Joshi, Chief Standing Counsel for respondents Nos. 1 to 3
None for respondents Nos. 4 to 6

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. B.D.Upadhyaya, Advocate for the petitioner.

Mr. J.P. Joshi, Chief Standing Counsel for respondents Nos. 1 to 3

None for respondents Nos.4 to 6.

They are heard.

2. Petitioner Committee of Management of Dudharkhal Intermediate College has filed this writ petition for the following reliefs:

"a) Issue a writ, order or direction in the nature of mandamus directing the respondent to hold the interview of the principal along with the other teachers mentioned in the Annexure No. 2 to this writ petition.

b) Issue a writ, order or direction in the nature of mandamus directing the respondents to give effect to the representation is made by the aforesaid petitioner (Annexure No. 10 to this writ petition).

c) Issue any other order or direction which this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case.

d) Award cost of the petition to the Petitioner."

3. The petitioner, thus in substance, was seeking a direction to respondents Nos. 1 to 3 to hold interview for the post of Principal for the Dudharkhal Intermediate College.

4. On account of the retirement of the Principle of the College, the Post of the Principle fell vacant and, as such, the petitioner Committee of Management sent a requisition to respondent No. 3 District Education Officer, Pauri for undertaking the selection process for the post of Principal. The process for selection, initiated by respondent No.3 District Education Officer, Pauri for the post of Principle of Dudharkhal Intermediate College, appears to have been suspended vide order dated 22.06.2006 passed by respondent No. 3 on the basis of the interim order dated 06.06.2005 passed in Writ Petition No. 688 of 2005 (S/S).

5. Mr. B.D.Upadhyaya, the learned counsel for the petitioner submits that respondent No. 3, now, may be directed to initiate the Selection process for the post of Principle of Dudharkhal Intermediate College, as Writ Petition No. 688 of 2005 (S/S) already stands dismissed as withdrawn vide order dated 21.07.2006.

6. Mr. J.P.Joshi, the learned Chief Standing Counsel for respondents No. 1 to 3 submits that for initiating the selection process afresh for the post of Principle of Dudharkhal Intermediate

College, the Committee of Management is required to send fresh Requisition in accordance with the provisions of the Uttaranchal School Education Act, 2006.

7. Mr. B.D. Upadhyaya, the learned counsel for the petitioner, in view of the above submission of the learned Chief Standing Counsel, seeks permission to withdraw the writ petition with the liberty of making requisition to respondent No. 3 District Education Officer, Pauri for initiating the selection process for the post of Principle of Dudharkhal Intermediate College.

8. Permission granted.

9. With the above liberty, the writ petition is dismissed as withdrawn.

10. Consequently, CLMAs Nos. 8449 of 2006 and 12861 of 2006 also stand dismissed as withdrawn.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**

26.09.2007 26.09.2007

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